

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**LEWIS & STANZIONE,**

**Plaintiff,**

**1:13-cv-863  
(GLS/RFT)**

**v.**

**ST. PAUL FIRE & MARINE  
INSURANCE COMPANY,**

**Defendant/  
Third-Party  
Plaintiff,**

**v.**

**JOSEPH STANZIONE,**

**Third-Party  
Defendant.**

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**ORDER**

In light of St. Paul Fire & Marine Insurance Company's June 19, 2014 status report, in which it states that it "withdraws its [t]hird-[p]arty [c]omplaint," (Dkt. No. 37 at 1), the Clerk is directed to dismiss St. Paul's third-party complaint, (Dkt. No. 17). Further, as a result of its voluntary dismissal of its third-party complaint, St. Paul notes that "there is no need for the [c]ourt to further address St. Paul's [m]otion to [d]ismiss

[c]ounterclaims,” because those counterclaims “are now moot.” (Dkt. No. 37 at 1.) The court agrees, and St. Paul’s motion to dismiss counterclaims is denied as moot.

**WHEREFORE**, for the foregoing reasons, it is hereby

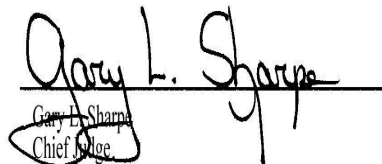
**ORDERED** that St. Paul’s third-party complaint (Dkt. No. 17) is **DISMISSED**; and it is further

**ORDERED** that St. Paul’s motion to dismiss counterclaims (Dkt. No. 24) is **DENIED** as moot; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties.

**IT IS SO ORDERED.**

August 4, 2014  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court